

Bob Perciasepe, Acting Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20004

July 10, 2013

Dear Mr. Perciasepe,

Thank you for taking time to review our comments and concerns, and please allow me to introduce myself. My name is John Fenton, and I am writing today on behalf of myself, my family and as chair of Pavillion Area Concerned Citizens (PACC). Our organization was formed by residents who live and work in the Pavillion, Wyoming area to address the issues surrounding gas development and contamination impacts in our community.

You are probably aware of the Environmental Protection Agency (EPA) Pavillion groundwater contamination investigation that has been on-going since 2008. You probably also know that the investigation has been led by EPA Region 8, until it was recently turned over to the State of Wyoming.

To begin with, we would like to tell you how thankful we are that EPA acted on our requests in 2008. For over five years before then, as we became concerned by changes in our drinking water and stock water, we asked the state and industry to help identify what the contamination was in our water wells and where it was coming from. In addition to hydrocarbon odors, foul taste and sheens in our well water, some of us had water that periodically turned black. At the same time we began to recognize impacts to our livestock and our own health.

The contamination began to surface in our community around 2000. One of our neighbors, Bill Garland, experienced the same impacts in his well water that many of us now have in our wells. He saw changes in his water, similar to the ones described above, and subsequently lost prize bulls that were drinking from an artesian well on his farm. After a lengthy and expensive court case, industry purchased his farms, and he was required to sign a confidentiality agreement as a stipulation of his settlement. No information about the contamination in the Garland water wells was ever released to the public or the neighboring property owners. Shortly thereafter, EnCana purchased the Pavillion/Muddy Ridge gas field from Tom Brown and substantially increased development in the field.

When we began to see changes in more water wells, the companies did sample our drinking water wells. Although the state did not conduct their own tests, they reviewed the companies' test results and ensured us that there was nothing wrong with our water. Even though the impacts in our water wells continued, no actions were taken until Region 8 toured the Pavillion area and began their investigation.

While we intend on fully cooperating with the State as they move forward with the investigation, we do have concerns about it will be conducted and how we'll be allowed to participate in the process. Our enclosed letter to Governor Mead outlines those concerns.

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You'll see that we asked the Governor to join us in requesting that EPA move forward with peer review of the Pavillion groundwater contamination investigation draft report. As we explained to him, the information in the draft report is relevant and should be used to help source, identify and remediate the contamination in our community. If peer review is not done, it will be extremely detrimental to the residents who are forced to live with the development. Quality of life for people already suffering contamination, those who are at risk of future contamination and the health of everyone in the Pavillion area is at stake.

Thank you again for taking time to listen to our concerns and please consider our request that the EPA draft report on the Pavillion groundwater contamination investigation move into peer review as scheduled. We look forward to any information you will share with us, as well as your opinion on the value of completing a peer review of the draft report.

Respectfully,

A handwritten signature in black ink, appearing to read "John Fenton", written in a cursive style.

John Fenton, Chair  
Pavillion Area Concerned Citizens  
202 Indian Ridge Road  
Pavillion, WY 82523

Governor Matt Mead  
State Capitol, 200 West 24th Street  
Cheyenne, WY 82002-0010

June 24, 2013

Dear Governor Mead,

It was unfortunate you were unable to attend your meeting in Riverton on June 20<sup>th</sup>; we hope your condition has improved.

After reviewing the State's plan for addressing the contamination impacts in our community, Pavillion Area Concerned Citizens (PACC) has the following initial comments and questions.

Although it appears that some of the stakeholders who have worked in the Pavillion area, such as EPA and EnCana, have been included in your planning process, we were not. As you know, PACC was formed by people who live in the affected area. We work on the issues in our community because we are heavily impacted. At this time our main concern is that we were not consulted during your planning process and your plan does not give us any process for input as the investigation moves forward.

We were surprised to learn that the State will now be in charge of the Pavillion groundwater investigation. We were extremely disappointed to learn that we were the last to know. After reviewing your plan, we are also concerned. We have worked with the EPA experts for five years and are concerned that the new experts you are proposing to enlist are yet to be identified. Please clarify this situation for us. We fully support the Environmental Protection Agency (EPA) Pavillion, Wyoming groundwater investigation for the following reasons. EPA initially toured our community in 2008, after we had asked the state and industry for help for over five years with no results. The EPA experts and consultants used the latest technology to conduct a strong science based investigation and sampling plan. Throughout the process, their experts continuously kept the people who live here in the loop. They explained their testing procedures and protocols, and helped us understand and navigate the data they produced. They also listened to the information we provided; information that only we have, because we live and work with the gas development. They were always kind, courteous and genuinely concerned with the conditions we live with. They always tried to find answers to the many questions we have. We have had a good working relationship.

As you know, the EPA produced a draft report of their investigation. We believe the EPA draft report should be peer reviewed, as scheduled. We recommend the State also support peer review of the report. The information in the draft report is relevant and should be used to help source, identify and remediate the contamination in our community. Regardless of who

conducts the investigation and how it moves forward, the EPA report should continue to be considered. Ignoring or misinterpreting any part of the study will be extremely detrimental to our health, our right to clean water and air, as well as our property values and quality of life.

The EPA's communications with the impacted citizens was one of the strengths of their investigation. We hope to have the same communication with the State. We believe it is our right as affected residents and landowners to have a seat at the table during all phases of the investigation, plan development and implementation of the plan. The investigation was initiated and continues because of our impacts.

Pavillion residents must be included as stakeholders, with a voice in how the investigation and plan move forward, before we can support any plans that are developed. We need assurance that our consultants can fully review and comment on the investigation and plans as they are being developed and implemented.

Please provide us with the time frame for consideration and hiring of experts. We must have the right to review the list of experts being considered and have ample time for our consultants to review the list and comment on the experts' qualifications. We must also have the right to recommend experts for consideration.

Please provide us with the schedule(s) for all meetings involving the investigation and planning process; both public and stakeholder meetings. Please explain how our input will be heard and accepted during the meetings.

Please identify the State Agency and personnel who will be our contacts, and provide their contact information.

It appears there will be a final report on Well Bore Integrity and Pits. Two of our members, Jeff Locker and I, are on the working groups. Please provide us with how the working groups will move forward and what the schedule is for the next meetings.

Your plan does not include complete information about private water well testing. Please provide the exact sampling procedures, protocols and guidelines referenced in the plan, including (Attachment A).

Your plan does not include complete information for how the state proposes to access private water wells. Who will contact residents, and when will they be contacted? Who will construct the proposed agreement? When will residents be provided with the proposed agreement? What is the time frame residents will have to consider and sign the proposed agreement?

How will the health issues and impacts from the contamination in our community be addressed by the State? Will you consult with the ATSDR, or will you hire experts to evaluate our health impacts?

Your plan does not outline any process for public comment. Please provide us with how public comment will be accepted, evaluated and considered during the investigation, in the planning process and in the final documents.

We may have other comments and questions after our consultants have had time to review your plan. We look forward to your written responses.

Respectfully,

A handwritten signature in black ink, appearing to read "John Fenton", with a stylized, cursive script.

John Fenton, Chair  
Pavillion Area Concerned Citizens  
202 Indian Ridge Road  
Pavillion, Wyoming 82523

Cc: Todd Parfitt, Director, Wyoming DEQ  
  
Grant Black, Supervisor, Wyoming Oil & Gas Commission  
  
Robert Sussman, Washington DC, EPA  
  
Chris Poulet, ATSDR  
  
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Howard Cantor, Region 8, EPA  
  
Kevin Lind, Director, Powder River Basin Resource Council

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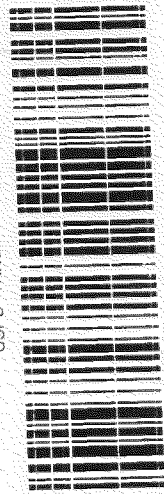
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